

**River Protection Workgroup for Upper Animas River
Meeting #9 February 23, 2012 5:30-8:30pm
Silverton Town Hall, Silverton CO**

MEETING SUMMARY

What happened at this meeting?

- * New handouts made available and discussed
- * Review of January 30, 2012 meeting
- * Review and discussion of new maps presented by San Juan County
- * Review of Information Sheet updates (version AnimasInfoSheet21Feb2012)
- * Review of Upper Animas above Cement Creek, Cement Creek, and Animas (WSR proposed) up to Cement Creek

** Next meeting Thursday, March 22nd, 2012, 5:30-8:30pm, Silverton Town Hall

The River Protection Workgroup for the Animas River conducted their ninth meeting on Thursday, February 23, 2012. Approximately twenty (20) people were in attendance. Marsha Porter-Norton facilitated the meeting. The meeting began with introductions of the attendees. The agenda was explained and agreed upon by those present.

Opening:

The facilitator reviewed the agenda and proposed outcomes, and it was agreed to. The RPW ground rules, process principles and framework were briefly reviewed as is done in each meeting. A brief review was heard of where the Animas group is in the overall process. The information sheet will be reviewed again, with the possibility that it will be "put aside" for now. For the last couple of meetings, the group has been brainstorming current protections and values for the Upper Animas from below Silverton to Bakers Bridge, as well as South Mineral Creek and Mineral Creek. A handout was made available, summarizing this discussion. This workgroup commenced in June 2011 and will continue at least until June 2012, if not a little longer. The facilitator proposed that at tonight's meeting, the group explore protections and values for Cement Creek and the Upper Animas. Although these segments were not found to be suitable or eligible for Wild & Scenic (WSR), they still impact the watershed as a whole. The group also agreed to assess we are in the process. Last meeting, the Commissioners presented a series of questions to the group. It was encouraged to have more of that kind of input. It was reiterated that WSR is just one set of tools. The facilitator reiterated that we would be trying to assess what the group needs to know in order to understand if the current protections are adequate.

New Handouts:

- * Answers from Roy Smith, State BLM Office re: questions raised about WSR 1/12/12 Animas meeting

- * Protections brainstormed for Lower Animas to Baker's Bridge, South Mineral, and Mineral Creek at 1/30/12 meeting
- * Updated information sheet (version AnimasInfoSheet21Feb2012)
- * San Juan County Scenic Overlay District Standards
- * Summary from 1/30/12 Animas RPW meeting

New Maps/Mineral Withdrawal Info.:

Dave Michaelson, Silverton Town and San Juan County Planner, stated that the San Juan County commissioners asked him to develop two maps. He took high-resolution imagery and overlaid the river set of lines, developed a ¼ mile buffer on either side, and overlaid mining claims that are out there now. The first map, the Las Animas corridor, has 4-5 claims. The second map shows South Mineral and Mineral Creek. The pink shades are active avalanche paths. The upper stretches have 133 claims that fall in the buffer area. South Mineral has about 14 claims. PDF files of these maps will be put up on the website. Blueline graphics in Durango has copies of full-size maps. 1-meter data was used for maps, which is very accurate data. The claims reflected on maps are only private owners. No publicly owned claims are on maps.

Marsha explained that the Forest Service found certain segments within the focus area to be suitable for WSR. This group is looking at a whole suite of tools, not just WSR. A big question has been how will mining be affected if WSR goes through. WSR has a ¼ mile buffer from the middle of the river. Steve stated that the preliminary Forest Service proposal went right through Silverton. It was altered to be about 3.5 miles south of town. Gold claims on the maps are outside the ¼ mile buffer. The red and blue claims are within the buffer. Ty asked Dave if he could generate a map that showed abandoned vs. active mines. He said he could. A comment was made that unpatented claims are usually publicly held.

A discussion ensued regarding the handout on mineral withdrawals, reflecting Roy Smith's responses to the Commissioners questions. Marsha read through the handout. Ty clarified that the mineral withdrawal question only applied to the public lands in the corridor. Patented claims held privately would not be affected with a WSR designation. A concern was stated about whether or not access to a patented claim could be useful if WSR was designated. Ty stated that his understanding was that access to claims is assured as part of deeds of trust, if "guaranteeable and insurable". BLM has to allow reasonable access to claims. The definition of "reasonable", it was agreed upon, is where issues can occur. Marsha would address this concern with Roy Smith. Dave stated that 50% of people he deals with have access to their claims. For those who don't, it's taken up to 5 years for them to get access via the BLM. Steve stated that last meeting he felt that Mark did state that a WSR designation would raise the bar on mining activities. In the 1872 mining law, access is guaranteed. It gets sticky as the BLM decides how you get access - it's discretionary. Wendy

reminded everyone that the ¼ mile buffer is not static. It can be adjusted. Since we are looking at a recreational section on the Animas, mineral withdrawal is allowed. The ¼ mile can be adjusted but the acreage must be maintained, even if it's adjusted at a certain location. The Act states a maximum of 320 acres per mile for WSR. Chuck asked if there is a minimum? Answer to be researched.

Durango & Silverton Train Evan, Operations Manager for D&SNGRR, stated that he needs to get up to speed with the group and will come to future meetings. Before he left, it was explained what ORV's are and that the train was found to be an ORV for the lower section of the Animas. ORV's for the lower section of the Animas, from Silverton to Baker's Bridge, were found to be cultural, historic (includes D&SNGRR) and recreational. Marsha gave a very brief primer of why we are having this conversation, including background on the Forest Service's draft plan and how recommendations are made regarding WSR status. We are not a formal advisory group to the Forest Service. This process is funded by a number of entities, which does NOT include the Forest Service. This process explores what the community values and recommends as protection tools, if any, beyond those that are in place, including WSR. Economics, including the train, mining, rafting, etc. were all captured in the Values Statement created by the group. If the community wished to push for WSR, it would need to be presented to our congressional delegation for possible designation. Steve gave some background on the evolution of the River Protection Workgroup. John reminded everyone that there were a lot of other tools besides WSR to be looking at. John referred to Roy's handout, in terms of federal agencies that are required to take WSR into consideration when making decisions. He would have concerns as an irrigator above a section that could become WSR, in terms of being over regulated or restricted. Before Ray left, it was reiterated that we were happy to meet separately with him or anyone from the train to give background on the process and answer questions.

Information sheet updates:

(see updated Information sheet on the website):

<http://ocs.fortlewis.edu/riverprotection/animas/resourceDocuments.htm>

Area of Focus (Page 1): Change in language reflects that the watershed is the area of focus but the group is not bound to make recommendations that include the entire watershed

Values (Page 3): Motorized and non-motorized are of economic value.

Land and Water Protections Currently in Place (Page 7):

- San Juan County Land Use Code, Scenic Overlay District
- Locatable Minerals information

Allowable, restricted and prohibited activities and uses in FS Management Area 1 (Page 10-11)

Scenic, Historic and Backcountry Byways (Page 11)

Proposed Electra Research Natural Area (Page 15)

State Level Protections – Mining-Related Resources (Page 15)

Note: The concept was raised regarding regulating entities for mining. They have been added as a protection.

Wildlife (Page 16)

Note: CPAW is the lead agency regarding regulations to protect wildlife. Their rules and regulations are seen as a protection.

Colorado Water Rights Prior Appropriation System (Page 16)

Note: Some minor wording changes were made

Statewide Water Supply Initiative (SWASI) (Page 20)

Note: 7 dam sites identified in this area of focus in 1997 by CWCB.

A question was asked by Bill Dodge about watershed condition, which came up at the last meeting, and if it could be added to the Information sheet.

La Plata County protections should be added to the Information Sheet as protections.

Suggested that we add the types of resources that might be available in terms of resources and funds if WSR was designated. Marsha said that the Information Sheet might not be the place for this information related to WSR but that there are numerous documents available that state what WSR might offer, as well as welcomed participants to bring additional information regarding WSR. Bill stated that there seems to not be one central place where info on WSR can be found. Chuck stated that he found that the website:

www.nps.gov under Wild & Scenic Rivers, was the best he's found.

Ray mentioned that there are several groups involved in water quality projects. He asked what would potential WSR designation do to water quality work? Would it be another obstacle for them to address? Marsha stated that we are in the process of scoping right now. A preliminary question was framed for the next step in our process, around water quality efforts and how WSR might affect their work. Marsha summarized the San Juan RPW group and how they came up with a suite of recommendations for how to protect geology, which was one of the ORV's found by the Forest Service. This was done as a reminder to keep looking at the suite of tools available for protections. Eventually this group will

start asking the question about which additional tools, if any, might be recommended for various segments. This would be done if the current protections in place were deemed to not be adequate in specific segments.

It was agreed that the Information Sheet could be “put to rest” for now. It can always be brought back to the agenda, if additions or edits are deemed necessary.

Upper Animas and Cement Creek

The group does not have a list of protection tools for these segments. We do for the sections that were found to be suitable for WSR. Steve stated that the water quality improvements suggested by the Animas River Stakeholders in Mineral Creek, South Mineral, Cement Creek and Upper Animas are all part of their recommendations. He feels that we should look at the Upper Animas and Cement Creek for this reason, even though they were segments not found to be suitable, as they affect downstream segments that the group is looking at. The group agreed to brainstorm around protections tools for these stretches.

Cement Creek Protections in place now:

- Special recreation management area
- San Juan County Land Use Code
- Everything in information sheet about applicable laws and regulations
- No in-stream flows
- Animas River Stakeholders recommendations on water quality

Comment: This segment is not in the Scenic Overlay District.

Values on Cement Creek:

- Iron fens
- Ski area
- Mines
- Significant mineral potential
- Timber
- Hydroelectric potential
- Access point to other recreation
- Jeeping
- Hunting
- Identified as a growth area in County Land Use Plan, “economic hoarder”
- Lynx habitat
- Wildlife
- Sheep grazing
- Waterfront amenity for Silverton
- Historical mining, mills
- Old railroad grade

- Economic
- River functioning at risk, well known area of concern

Brainstorming of potential protection tools:

- Superfund site
- Animas River Stakeholders work
- San Juan County Code
- Potential transfer of BLM lands to County lands
- In-stream flow
- Mine permitting
- Laws and regulations i.e. Clean Water Act
- Major testing ground for demineralization

A discussion was heard around Colorado's obligation to the Colorado River Compact. Steve stated that it's hard to quantify the Compact requirements as a specific protection for the Animas Basin.

Cement Creek is more a question of quality vs. quantity of water, as it is in other segments. If you don't meet water quality standards, it's not suitable for WSR. Could affect status. It was agreed by the Water Quality Commission that water quality standards were achievable for this segment.

*Need to get water quality information for Cement Creek at next meeting.

Upper Animas (above Cement Creek) Current Protections:

- Water Quality Control Stream Standards
- In-stream flows
- County Code
- Laws and regulations in place
- Boulder Creek mineral withdrawal area to protect water supply
- Scenic overlay from Euruka to Headwaters
- Wilderness Study Area – Handies Peak
- Roadless inventoried area
- Cunningham is headwaters to Wilderness

Values of Upper Animas (above Cement Creek):

- Significant mineral resources
- On Alpine Loop – historic
- Recreation – Skiing, fishing, hiking, etc.
- Historic tourism
- Educational camps
- Hardrock 100
- Most visitors of any BLM land in Colorado (600,000+/yr.)
- Timber
- Bighorn sheep habitat

- Sheep grazing
- Tundra

Potential protection tools for Upper Animas (above Cement Creek):

- Backcountry development regulations (limits size of homes)
- National Conservation Area proposal
- Wilderness Study Area going to Wilderness
- Mineral withdrawal
- Special Management Area as an alternative to an NCA
- In-stream flows in addition to others
- Area of Critical Environmental Concern designation
- Howardsville development site – explore whether it should stay as a proposed dam site.

Bill stated that we need streamlined and coordinated management of the values of these areas we're looking at. Lets look at our suite of tools and utilizing them in a more coordinated way. Ty stated that we need to understand which tools are statutory and which are regulatory. Some have more assurance for long-term protections and some are more flexible and thus susceptible to change.

Current protections on Animas (WSR proposed) up to Cement Creek:

- Water Quality Control Standards
- Mutual zone of interest between Town and County
- County land use code
- Town of Silverton restrictions
- SRMA
- Deed restrictions
- Scenic Byway

Values:

- Railroad and its facilities
- Town
- Historic
- River properties
- Dog runs
- Rafting
- Events
- Kendall Mountain Recreation Area
- Wetlands
- Fishing ponds
- Mineral resources

Potential protections on Animas (WSR proposed) to Cement Creek:

- Recreation All Purposes Act – could expand via BLM
- Town/County Master Plan

- Group defined tool
- Special Management Area

Where we are in process/next meeting:

We have values and potential tools for various segments. Marsha will create a chart that summarizes all of this. Next meeting we'll discuss what information is still needed on various tools. Will also create a one-page handout about where to go for WSR information.

Potential tool for all segments: Bill suggested that we look "out of the box" and ask agencies to develop unified management or at least common agreement on what we want to achieve and a strategy for how we'd like to achieve that. Would include intergovernmental support.

Next meeting set for March 22, 2012. April meeting (26th) will need to be rescheduled, due to a conflict with another meeting.

(Meeting recorder: Tami Graham)